

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HAWAII SPA, INC.

Plaintiff,

VS.

**THE HANOVER INSURANCE
COMPANY**

Defendant.

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CIVIL ACTION NO. 2:21-CV-253

JOINT MOTION TO DISMISS WITH PREJUDICE

Plaintiff, Hawaii Spa, Inc., and Defendant, The Hanover Insurance Company, file this, their Joint Motion to Dismiss with Prejudice, and in support thereof, the Parties respectfully show the Court the following:

Plaintiff and Defendant have reached an agreement and no longer desire to prosecute the claims in this cause. Plaintiff and Defendant request that the Court enter an Order of Dismissal with Prejudice in this cause, with costs to be taxed against the party incurring the same.

WHEREFORE, PREMISES CONSIDERED, the Parties request that the Court enter an Order dismissing the claims with costs being taxed against the party incurring the same.

Respectfully submitted,

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/s/ Justin A. Smith
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/s/ Peri H. Alkas by permission

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Peri Alkas, attorney for Defendant, and she is agreed. Therefore this Motion is presented to the Court.

/s/ Justin A. Smith

JUSTIN A. SMITH

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served pursuant to the Federal Rules of Civil Procedure on this 29th day of September, 2022, on the following parties:

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/s/ Justin A. Smith

JUSTIN A. SMITH